

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

STANDARD INSURANCE COMPANY,

Plaintiff,

v.

Civ. No. 22-664 KK/SCY

REBECCA ARMIJO LAKEY an individual,  
XENA LAKEY, and E.L., a minor by and  
through his mother HEATHER SHREVES, on  
behalf of THE ESTATE OF RICHARD ALAN  
LAKEY,

Defendants.

**ORDER SETTING STATUS CONFERENCE**

Plaintiff Standard Insurance Company filed this interpleader under 28 U.S.C. § 1335 regarding the proceeds of a life insurance policy. The complaint, filed September 9, 2022, states that Plaintiff issued a policy of group life insurance which covered Richard Lakey at the time of his death. Doc. 1 ¶¶ 9-11. As a result of Richard Lakey's death on January 5, 2022, a life insurance benefit in the total amount of \$52,000 became payable under the Policy. *Id.* ¶¶ 12-13.

Plaintiff states that a dispute has arisen as to the beneficiary of the proceeds. Richard Lakey was not survived by a spouse, children, parents, or siblings. *Id.* ¶ 21. The benefits are therefore payable to his estate. *Id.* ¶¶ 20, 22. No Estate has been opened and no personal representative has been appointed for the Estate. *Id.* ¶ 4. Defendant Xena Lakey and Defendant E.L., a minor by and through his mother Heather Shreves, are the only surviving grandchildren of Richard Lakey and as such are the intestate heirs of Richard Lakey. *Id.* ¶ 5. However, Rebecca Armijo Lakey, Mr. Lakey's ex-wife, claims entitlement to the benefit notwithstanding her divorce from Mr. Lakey. *Id.* ¶ 23.

On December 21, 2022, Rebecca Lakey entered her appearance by counsel and filed an answer to the complaint. Docs. 7 & 8. On February 9, 2023, the Court noted that minor child E.L. was served via his mother, Heather Shreves, and she mailed the Court a letter that purported to be an answer on his behalf. Doc. 22 at 2. Because Ms. Shreves did not state that she is an attorney, the Court did not accept this letter as E.L.'s answer. *Id.* at 3. "The Court therefore notifies Heather Shreves that she must find an attorney to represent her son, or the Court will sua sponte appoint a guardian ad litem for E.L. to represent him in this action." *Id.* The Court informed Ms. Shreves that she would have additional time to look for an attorney on his behalf, and stayed E.L.'s answer deadline "until Xena Lakey either answers or is found to be in default, and pending further order of the Court regarding E.L.'s answer deadline." *Id.*

Plaintiff moved for default judgment against Xena Lakey on March 3, 2023, stating that she had been served with the complaint and failed to timely answer. Doc. 24. That motion is currently pending before the Court.

The Court will hold a status conference in this case on May 18, 2023, at 2:30 p.m. Mountain time. The parties shall call the AT&T Conference line at (888) 398-2342 [Access Code 2418431] to connect to the proceedings. Although Ms. Shreves does not represent E.L., the Court requests she call into the telephonic conference to update the Court on her efforts to find E.L. an attorney. The Court will also discuss the status of the case, E.L.'s answer deadline, and the potential appointment of a guardian ad litem.

The Clerk of Court shall mail a copy of this Order to:

Heather Shreves  
220 E 7th St Apt 3  
Rushville, IN 46173-1464

SO ORDERED.

  
STEVEN C. YARBROUGH  
UNITED STATES MAGISTRATE JUDGE